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December 21, 2004

To: Examiner Cuong Quang Nguyen Fax No. (703) 872-9306
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Yuji HORI, Osamu ODA, Mitsuhiro TANAKA, Bruno DAUDIN
and Eva MONROY

Serial No.: 10/813,565 Art Unit: 2811

Date Filed: March 30, 2004 Conf. No. 4125

Title: SUBSTRATE FOR SEMICONDUCTOR LIGHT-EMITTING ELEMENT,
SEMICONDUCTOR LIGHT-EMITTING ELEMENT AND SEMICONDUCTOR
LIGHT-EMITTING ELEMENT FABRICATION METHOD

Our Docket No.: 800_134

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COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Cuong Quang Nguyen at (703) 872-9306 at the Patent and Trademark Office on *December 21, 2004*:

	<u>Paper</u>	<u># of Pages</u>
1.	Response to Restriction Requirement	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 800_134

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yuji HORI, Osamu ODA, Mitsuhiro TANAKA, Bruno DAUDIN and
Eva MONROY

Ser. No.: 10/813,565

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Examiner: Cuong Quang Nguyen

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For: SUBSTRATE FOR SEMICONDUCTOR LIGHT-EMITTING ELEMENT,
SEMICONDUCTOR LIGHT-EMITTING ELEMENT AND SEMICONDUCTOR
LIGHT-EMITTING ELEMENT FABRICATION METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Elizabeth A. VanAntwerp
Elizabeth A. VanAntwerp

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed December 14, 2004, Applicants hereby
provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-13) in this
application.

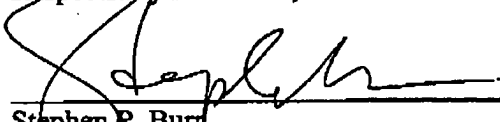
However, Applicants respectfully traverse the restriction requirement since the subject
matter of claims 1 - 17 is sufficiently related that a thorough and complete search for the
subject matter of the elected claims would necessarily encompass a thorough and complete
search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that
search and examination of the entire application could be made without serious burden. See
MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

December 21, 2004

Date

SPB/eav

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 25191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320